

## **Changes to Title 33, Montana Code Annotated** **effective October 1, 2005**

**33-1-318** – Code commissioner change.

**33-1-1301(2)** – Added reference to definitions of “medical care discount card” and “pharmacy discount card” as provided in 33-38-102. Coordination language with a new chapter of 33.

**33-2-101(3)** – Added new language making acting as an insurer without authorization from the commissioner a felony.

**33-2-523** – Updated the commissioners standard ordinary mortality tables from the 1980 table to the 2001 table and provided that the tables may be used after January 1, 2005 and MUST be used after January 1, 2009.

**33-2-708** – Set the application/renewal/reinstatement fees for viatical settlement brokers and the original registration fee for life insurance producers acting as a viatical settlement broker.

**33-2-712** – Increased the Genetics program fee to \$1 for the period of Oct 1, 2005 through June 30, 2007. Then sunsets and reduces the fee to 70 cents beginning July 1, 2007.

**33-11-105** – Coordinated language with new chapter 33-23-part 5 -- Joint Underwriting Association.

**33-15-1103(2)** – Excepted homeowners from the 10 day cancellation notice requirements and coordinated language with 33-23-401.

**33-15-1105(2)** – Changed premium notice requirements from “not more than 60 days or less than 10 days” to “not less than 30 days.”

**33-16-203 (2)(b)** – Added a rate reduction opportunity to members of the MANG for safe driving courses approved under 61-2-102.

**33-16-222** – Requires rate filing for rate discounts to military defensive drivers.

**33-16-230** – New part relating to 33-16-203 for military defensive drivers.

**33-17-102(6)** – Clarified the definition of consultant.

**33-17-220(2)** – Added access for the State Auditor's Office to background information for licensing candidates from the FBI.

**33-17-1202** – Added continuing education requirements for adjusters.

**33-17-1204(2)** – Added an adjuster to the continuing education advisory council.

**33-17-1025(3)** – Added adjuster to compliance requirements.

**33-18-210(11)** – Deleted this section. See 33-18-601 through 611.

**33-18-224(2)** -- Added new language regarding direct repair programs and notice to insureds about availability of repair shops.

**33-18-225** – All new section regarding steering to rental vehicle shops.

**33-18-232** – Sets a minimum \$5 payment for interest accrued on late paid claims.

**33-18-401** – Added language to coordinate the penalty for false claim with 45-6-301.

**33-18-602 through 611** – New part to address credit scoring.

**33-18-1006** -- Coordinated language to add 33-18-224 to cease and desist orders authority of the commissioner.

**33-20-105** – At the request of ACLI changed wording of the 2003 statute change was revised.

**33-20-704** – This was new law in 2003 so the requirement for the written notification was after April 24, 2003. The 2005 amendment deleted the specific date and inserted “prior to the date of entering...”.

**33-20-1101** – Clarified that an employee must work a substantial part of the workday to the business. Reduced the minimum number of employees from 10 to 2.

**33-20-1401 through 1412** – Structured Settlement Protection Act, all new chapter regarding the sale of structured settlements.

**33-20-1303** – Added new language to allow licensed life insurance producers to register with the DOI to engage in viatical transactions.

**33-22-262** – Added exception language to the demonstration project to allow at the discretion of the insurer the plan be provided under certain circumstances. Also allowed limits to certain diabetic coverage and treatment of inborn errors of metabolism.

**33-22-101** – Added new subsection (2) language.

**33-22-1501** – (7)(a)(ii)(B) Added language regarding eligibility and inserted a definition for “Resident.”

**33-22-1513 through 1517** – Added the term “Association Portability Plan” to the existing language.

**33-23-401** – Added an exception clause changing the required notification for cancellation of homeowners policy from 10 to 20 days. Added 10 days.

**33-23-501 through 526** – Establishes an Joint Underwriting Association after a Market Assistance Plan has been created to respond to any crisis in medical malpractice insurance availability.

**33-28-105(8)(c) and (9)** – Amendments added “voluntary dissolutions” and removed the third sentence in (8)(c).

**33-28-201 (3) (b)** – Capped aggregate taxes paid at \$100,000 in any year.

**33-28-202** – Removed the investment requirements in 33-2-532 and 33-2-533 for captives.

**33-28-207** -- Amended limitations and requirements in (1) (b) and (2) (b).

**33-38-101 through 107**—Requiring registration for Discount Medical Card Suppliers and compliance with statute for Prescription Drug Discount Card Suppliers.

## **Housekeeping Changes**

**33-2-305, 33-17-211, 33-17-301, 33-17-401, 33-17-1502** – Housekeeping, changed “on a form” to “in a form” to provide for all forms of application, paper and electronic as long as the format is approved by the Commissioner. This change is across Title 33.

**33-3-341(1)** – Housekeeping, setting an interest rate to repay funds that a domestic stock or mutual insurer borrowed. The change indexed the rate to 25-9-205 and added language regarding 6 percentage points per year higher than the prime rate of major New York Banks as published in the Wall Street Journal, etc.

**33-4-503** – Housekeeping, setting requirements for farm mutuals wishing to cede or accept reinsurance.

**33-10-203 (2) (b)(iii)** – Housekeeping, corrected language from “include” to “exclude”. Changed the meaning.

**33-12-107** – Housekeeping change added the word “Manual” after Purposes and Procedures.

**33-22-111, 33-22-114** – Housekeeping change updated the term “physician assistant-certified” to “physician assistant”.

**33-22-140 (3)(b)** – Housekeeping, confirms codification of “PL 93-406” to “29 U.S.C. 1001, et seq.”

Also added (xi) “high-risk pool in any state” to (4) definition of “Creditable coverage”.

**33-22-508(6)** – Housekeeping, added the term “conversion carrier” and clarified the benefits as provided under 33-22-1827 and finally excepted disability plans that provided only excepted benefits.

**33-22-1803 (14)** – Housekeeping added the excepted benefits language from 33-22-140.

**33-24-103(2)** – Housekeeping added “except for the selected deductible in the policy”.